

Title	Domestic Violence Prevention Act Orders (adopt forms DV-300, DV-310, DV-370; approve forms DV-260, DV-320, DV-380, DV-390 and DV-720; and revise forms DV-100, DV-110, DV-130, DV-520, and DV-550)
Summary	This proposal includes (1) new forms and information sheets related to dissolving, modifying, and renewing Domestic Violence Prevention Act restraining orders; (2) an optional form for use by the courts and law enforcement to add litigant information to California's statewide registry of restraining orders; and (3) revisions of certain domestic violence restraining order forms for clarity and consistency.
Source	Family and Juvenile Law Advisory Committee
Staff	Tamara B. Abrams, 415-865-7712
Discussion	<p><b>New Forms and Information Sheets to Vacate and Modify Domestic Violence Prevention Act Orders</b> (DV-300, <i>Request to Change or End Restraining Order</i>; DV-310, <i>Notice of Hearing to Change or End Restraining Order</i>; DV-320, <i>How Do I Change a Restraining Order?</i>; DV-370, <i>Order to End Restraining Order</i>; DV-380, <i>Answer to Restraining Order Change</i>; and DV-390, <i>How Do I End a Restraining Order?</i>)</p> <p>According to Family Code section 6380(i), only protective and restraining orders that were issued via forms adopted by the Judicial Council of California and approved by the Department of Justice can be entered into the California Law Enforcement Telecommunication System (CLETS), California's statewide restraining order registry. Currently, courts use a variety of forms and procedures to vacate and modify orders under the Domestic Violence Prevention Act (DVPA). Some courts require litigants to complete Judicial Council forms that were not specifically developed for these purposes. Other courts require litigants to complete local forms, which are not valid for entry into CLETS.</p> <p>Court staff members, domestic violence victim advocates, and law enforcement officers have requested that the Judicial Council develop consistent court forms, valid for entry into CLETS, to assist litigants who want to vacate or modify their DVPA orders.</p> <p>The Family Code provides no guidance on the procedural requirements for dissolving or modifying DVPA orders. The proposal would mirror the procedures in family law actions generally—with some additional</p>

due process protections, given the serious nature of DVPA orders. The proposed forms would establish the requirement for a noticed hearing by personal service when a litigant seeks to vacate or modify an existing order. Furthermore, the forms would explicitly allow either the restrained person or the protected person to request a modification. The information sheets would provide guidance on how to use the forms.

The litigant would be instructed to complete one form (DV-300) for his or her request for a hearing and another form (DV-310) to notify the other party of the hearing; to attach the existing *Restraining Order After Hearing* (form DV-130) to both forms; and to personally serve the entire set of documents on the other party.

The forms indicate the procedures for their use, so it is not necessary to propose accompanying rules of court. According to California Rule of Court, rule 5.25, “All forms adopted or approved by the Judicial Council for use in any proceeding under the Family Code, including any form in the ...DV... series, are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law.”

The committee specifically seeks comment on several issues that may be somewhat controversial:

- Either party would be entitled to request a modification or termination.

Under general family law procedures, when the court grants an order, either party is entitled to later seek a modification of that order. This proposal encompasses that general procedure. According to Code of Civil Procedure section 581, the moving party may seek a dismissal; either party may seek a dismissal with the consent of all other parties; and the court may seek a dismissal on its own motion.

Because the same form is used to request either a modification or a termination, form DV-300 would allow either the protected person or the restrained person to seek a termination. The committee seeks comment on whether this could be problematic.

- A court hearing would be required to modify or vacate an order.

Under general family law procedures, requests to modify court orders require either a court hearing or a written stipulation. The general rule

on dismissal is not as clear. There is no requirement of a court hearing for a dismissal (see Cal. Rules of Court, rule 383). Given the nature of DVPA orders, the proposed procedure would require a court hearing to modify or vacate any of the orders.

- Personal service of the notice of hearing would be required.

According to Family Code section 215, a party must notify the other party prior to a request to modify a permanent order involving child custody, visitation, or support of a child. Notice must be in the same manner as the notice is otherwise permitted by law to be served on the other party. Thus, the proposed modification forms (DV-300 and DV-310) for DVPA cases require a personally noticed hearing before a modification or dismissal.

Because the victim of domestic violence may be under pressure from the restrained person to dismiss the action, and because of the nature of DVPA orders, the committee believes it is important to require personal service of the request and to require a court hearing prior to dismissal. The committee seeks comment on this requirement, particularly given that form (DV-310) is presented as a “notice” of an action and not an “order to show cause.”

- Temporary orders pending a hearing would be allowed.

The proposed “Other” section of form DV-300 is proposed to allow for temporary orders pending the hearing. The committee seeks comment on whether a hearing should be required to accomplish such a change and, thus, whether the “Other” section should be retained to allow for temporary orders pending the hearing.

- Only certain DVPA orders could be modified.

The Family Code provides no guidance about which DVPA orders can be modified. Proposed form DV-300 would allow modification only of the personal conduct, stay-away, residence exclusion, and recordation-of-prohibited-communication orders. Orders for custody, visitation, and support of children and other issues can be modified using existing Judicial Council forms so it is not necessary to create additional forms to modify these matters. In addition, child custody, visitation, and support orders frequently outlast the protective orders and litigants should be directed to use existing family law forms to modify child-custody and related issues.

The modification forms would address only the orders made in the *Restraining Order After Hearing*, not the temporary restraining orders.

- No specific standards to modify or vacate would be proposed.

The DVPA provides no standard, such as “change of circumstances,” for requests to modify the personal conduct, stay-away, and residence exclusion orders. Thus, the proposed forms do not include any such requirement.

The committee seeks comment on whether the form should contain a requirement for a showing of “change of circumstances” or some other standard for modifying the orders.

The general civil rule is that the moving party can seek an order to dismiss without a showing of change of circumstances or any other reason. The proposal would continue that general rule by not requiring any showing or reason to vacate the order.

- A “modification” provision would be added to the *Restraining Order After Hearing*.

The *Restraining Order After Hearing* (form DV-130) would be revised to add a section indicating whether the order is a modification of a prior order. This would make it clear to law enforcement and the parties which order is more current.

- A new form specifically for responding would be approved.

The *Answer to Restraining Order Change* (form DV-380) would be approved to allow the respondent to answer the request to change or end the restraining order. Existing responsive declarations are insufficient to provide the necessary guidance to the respondent.

**New Information Sheet for Renewing DVPA Order** (form DV-720, *How Do I Renew My Restraining Order?*)

Effective January 1, 2003, the Judicial Council adopted new forms to facilitate the renewal of DVPA restraining orders. During educational activities in January, staff learned that form users would like more guidance on the procedure for using the forms. The proposed information sheet clarifies that litigants are to complete and file both forms, attach their existing *Restraining Order After Hearing* (form DV-130),

and personally serve all three documents on the restrained person.

**New Confidential CLETS Information** (form DV-260, *Confidential CLETS Information*)

The Department of Justice and law enforcement agencies have requested that the Judicial Council provide the protected person's date of birth on protective orders because the national restraining order registry requires this field. Some domestic violence victim advocates have objected to the inclusion of the date of birth on these forms because of concerns about stalking.

In response, some courts and law enforcement agencies have developed their own CLETS Entry form, which is completed by the protected person. It includes the protected person's date of birth and other identifying information. Because the form also contains specific information about the restrained person, such as workplace address, automobile make, and so on, it can also be used by law enforcement to help locate the restrained person for service. A statewide form would improve statewide consistency. The form would remain confidential and would not be filed in the litigant's court file.

The committee seeks comment on the proposed format of form DV-260, which is not standard for court filing. The form is differentiated to ensure that it is not filed in the court file.

**Technical Changes to Domestic Violence Restraining Order Forms**

Shortly after the plain language domestic violence forms became effective, a number of people, including court research attorneys, practitioners, judicial officers, and clerks of the court, contacted the Administrative Office of the Courts with suggested technical revisions.

The proposed revisions to DV-100 *Request for Order* include:

1. In items 3, 12, and 21, the revised text would require litigants to use an existing Judicial Council form for additional information that does not fit on the form. Litigants are currently attaching odd-sized sheets of paper, instead of lined pleading paper. The committee seeks comment on whether this limitation is too narrow. The proposal also clarifies that litigants can write the appropriate item number beside the corresponding information on the attached sheet, instead of using a separate piece of paper

for every item on each form.

2. Item 17 would be amended to alert the litigant of the method for applying for free service of the restraining order.<sup>1</sup>
3. Item 21g would be deleted to make room for two additional lines for litigants to describe the most recent incident of abuse.

The proposed revisions to DV-110, *Temporary Restraining Order* include:

1. In item 4, the words “child support” would be added to clarify that the court can issue child support orders at the hearing.
2. Item 6b(2) would no longer be a discretionary item but would be mandatory since it allows contact by the restrained person’s representative to serve legal documents. This type of contact is statutorily permissible in all cases.
3. Item 15 would be amended to alert the litigant of the method for applying for free service of the restraining order.
4. Item 19 would be amended to change the word “against” to “in violation of”.

The proposed revisions to DV-130, *Restraining Order After Hearing* include:

1. Item 4 would be amended to allow the court to indicate whether the order modifies a prior order.
2. Item 5b(2) would no longer be a discretionary item but would be mandatory since it allows contact by the restrained person’s representative to serve legal documents. This type of contact is statutorily permissible in all cases.
3. Item 14 would be amended to alert the sheriff or marshal to the requirement for free service of the order.
4. A checklist of attachments would be added to item 18. To make room for the addition, the warnings and notices to the restrained

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<sup>1</sup> Proposed forms to request free service of the restraining order are described in a separate Invitation to Comment.

person would be moved to page 5 of the form and the Violence Against Women Act certification would be moved to page 3 of the form.

The proposed revisions to DV-520, *Get Ready for Your Hearing (for Protected Person)* include:

1. Clarifying the reasons why bringing children to court is not recommended. Instead of a blanket prohibition, the text is modified to accommodate litigants who are using a courthouse that has a children's waiting room. The revision would increase access to the courts by litigants who might not seek a restraining order if they have no child care.
2. Deleting the provision that guides people to complete the form for a reissuance in cases where the court continues the hearing. The revision would accommodate different court practices in cases that are continued for reasons other than a failure to effect service of process. Some courts use the reissuance form (DV-125) in those cases, while other courts use the *Restraining Order After Hearing* to continue hearings in these types of cases. Litigants would be instructed to ask the court clerk for the correct forms.

The proposed revision to DV-550, *Get Ready for Your Hearing (for Restrained Person)* mirrors the proposed revision to DV-520, *Answer to Restraining Order Change* regarding bringing children to the courthouse.

The new and revised forms are attached at pages 8-37.

Attachments

Clerk stamps below when form is filed.

**1** Your name (person asking for protection):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your phone # (*optional*): (\_\_\_\_\_) \_\_\_\_\_

Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2** Name of person you want protection from (restrained person):

Describe that person: Sex: ☐ M ☐ F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_

Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Court name and street address:

**Superior Court of California, County of**

**Case Number:**

**3** Besides you, who needs protection? (*Family or household members*)

Full Name	Age	Lives with you?	How are they related to you?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Check here if you need more space. Attach form MC-020 and write "DV-100, Item 3 — Protected People" on your statement.

**4** What is your relationship to the person in **2**? (*Check all that apply*)

- a. ☐ We are now married.
- b. ☐ We used to be married.
- c. ☐ We live together.
- d. ☐ We used to live together.
- e. ☐ We are relatives, in-laws, or related by adoption (*specify relationship*): \_\_\_\_\_
- f. ☐ We are dating or used to date.
- g. ☐ We are engaged to be married or were engaged to be married.
- h. ☐ We are the parents together of a child or children under 18:

Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Item 4h" at the top.

- i. ☐ We have signed a Voluntary Declaration of Paternity for our child or children. Attach a copy if you have one.

**This is not a Court Order.**





Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**5 Other Court Cases**

- a. Have you and the person in ② been involved in another court case? ☐ No ☐ Yes

If yes, where? County: \_\_\_\_\_ State: \_\_\_\_\_

What are the case numbers? *(If you know)* \_\_\_\_\_

What kind of case? *(Check all that apply)*

- ☐ Divorce/Dissolution ☐ Parentage/Paternity ☐ Legal Separation ☐ Domestic Violence ☐ Criminal  
☐ Juvenile ☐ Child Support ☐ Nullity ☐ Civil Harassment  
☐ Other *(specify)*: \_\_\_\_\_

- b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

☐ No ☐ Yes *If yes, attach a copy if you have one.*

**What orders do you want? Check the boxes that apply to your case ☒.**

**6 ☐ Personal Conduct Orders**

I ask the court to order the person in ② not to do the following things to me or any of the people listed in ③:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements  
b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

**7 ☐ Stay-Away Order**

I ask the court to order the person in ② to stay at least \_\_\_\_\_ yards away from: *(Check all that apply)*

- a. ☐ Me e. ☐ The children's school or child care  
b. ☐ The people listed in ③ f. ☐ My car  
c. ☐ My home g. ☐ Other *(specify)*: \_\_\_\_\_  
d. ☐ My job or workplace \_\_\_\_\_

If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, church or temple? ☐ Yes ☐ No *(If no, explain)*: \_\_\_\_\_

**8 ☐ Move-Out Order**

I ask the court to order the person in ② to move out from and not return to *(address)*: \_\_\_\_\_

I have the right to live at the above address because *(explain)*: \_\_\_\_\_

**9 ☐ Child Custody, Visitation, and Child Support**

I ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.*

**This is not a Court Order.**



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**What orders do you want? Check the boxes that apply to your case ☒.**

**10 ☐ Record Unlawful Communications**

I ask for the right to record communications made to me by the person in ② that violate the judge's orders.

**11 ☐ Property Control**

I ask the court to give *only* me temporary use, possession, and control of the property, listed here:

\_\_\_\_\_

**12 ☐ Debt Payment**

I ask the court to order the person in ② to make these payments while the order is in effect:

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 12 — Debt Payment" on your statement.

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**13 ☐ Property Restraint**

I am married to the person in ②. I ask the judge to order that he or she not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the restrained person to notify me of any new or big expenses and to explain them to the court.

**14 ☐ Attorney Fees and Costs**

I ask that the person in ② pay some or all of my attorney fees and costs.

*You must complete and file Form FL-150, Income and Expense Declaration.*

**15 ☐ Payments for Costs and Services**

I ask that the person in ② pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in ② (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**16 ☐ Batterer Intervention Program**

I ask the court to order the person listed in ② to go to a 52-week batterer intervention program and show proof of completion to the court.

**17 ☐ No Fee to Notify Restrained Person**

*If you want the sheriff or marshal to notify the restrained person about the orders for free, ask the court clerk if you need to file more forms. You might need CH-101/DV-290 and form 982(a)(17).*

**This is not a Court Order.**



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**What orders do you want? Check the boxes that apply to your case ☒.**

**18 ☐ More Time for Notice**

I need extra time to notify the person in ② about these papers. Because of the facts explained on this form, I want the papers served up to \_\_\_\_\_ days before the date of the hearing. *For help, read DV-210.*

*If necessary, add additional facts:* \_\_\_\_\_  
\_\_\_\_\_

**19 ☐ Other Orders**

What other orders are you asking for? \_\_\_\_\_  
\_\_\_\_\_

☐ *Check here if you need more space. Attach a sheet of paper and write "DV-100, Item 1 ☐ — Other Orders" at the top.*

**20 ☒ Turn in Guns or Other Firearms**

I ask the judge to order the person in ② to sell or turn in any guns or firearms that he or she has or controls. *Describe any use or threatened use of firearms in ②1.*

**21 Describe the most recent abuse.**

- a. Date of most recent abuse: \_\_\_\_\_  
b. Who was there? \_\_\_\_\_  
c. What did the person in ② do or say that made you afraid? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Describe any use or threatened use of guns or other weapons: \_\_\_\_\_  
\_\_\_\_\_

e. Describe any injuries: \_\_\_\_\_  
\_\_\_\_\_

f. Did the police come? ☐ No ☐ Yes

If yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know

*Attach a copy if you have one.*

☐ *Check here if you need more space. Use Form DV-101 or MC-020.*

**22 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

**This is not a Court Order.**

**Be prepared.**

- Bring documents that support your case (police or medical reports, rental agreements or receipts, pictures, bills, etc.).
- If you think the other person will lie, bring a witness. The judge may not have time to talk to the witness. But you can bring a written statement of what the witness saw or heard. (You must file and serve witness statements by mail or in person, along with your Answer (Form DV-120). Bring filed copies of your Answer and Proof of Service (DV-250) to your hearing.)
- Most courtrooms do not allow children. Ask the court clerk if there is a children's waiting room in the courthouse.
- Don't miss the hearing! If you miss it, the judge can make the orders without hearing from you.

**Get there 30 minutes early.**

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If the person who asked for the order is present, do not sit near or talk to him or her.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes, or up to an hour.

**What if I don't speak English?**

Ask someone who speaks English to call the court clerk at least a week before your hearing. Ask for a court interpreter. You may have to pay a fee. If the court interpreter is not available, bring someone to interpret for you. Do not ask a child to interpret for you.

**What if I am deaf?**

If you are deaf, contact the clerk at least 1 week before the hearing. Ask for an interpreter or other accommodation.

**Practice saying what you disagree with.**

Make a list of the orders you disagree with. Practice saying why you disagree. Do not take more than 3 minutes to say which orders you disagree with.

If you get nervous at the hearing, just read from your list. Use your list to make sure you have told the judge about each order you disagree with.

**The judge may ask questions.**

- Tell the truth. Speak slowly. You can read from your list.
- The other person or a lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say "I don't understand."
- If the other person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge. Do not talk to the other person unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.
- Do not sit near or talk to the other person.

**The judge will decide.**

- At the end of the hearing, the judge will say what the orders are.
- You will be served with the Restraining Order After Hearing (DV-130) within a few days, by mail or in person.
- If anything on the DV-130 form is different from what the judge ordered, talk to a lawyer right away. Or ask the court clerk how to find free or low-cost legal services.

**The judge may “continue” your case.**

This means you have to come back another day. The judge can do this if:

- Your hearing is taking longer than planned
- The judge wants more information
- You need more time to get a lawyer or prepare an answer

**If your case is continued . . .**

- The judge may make the orders last until the new hearing date.
- Bring all your papers back to court at the next hearing.

**What about child custody or visitation?**

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your temporary custody and visitation orders last until the next hearing.
- Either parent can ask to meet with the mediator separately.

**What happens after the hearing?**

- If the judge makes the orders, you must obey them. If you don't, you can be arrested.
- If you do not receive a copy of the orders, ask the clerk for a copy, or talk to a lawyer.

**Be prepared.**

- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.). Bring two copies of all documents and filed forms.
- You can bring a friend or relative, but that person must not talk for you in court.
- If you think the restrained person will lie, bring a witness. The judge may not have time to talk to the witness. But you can bring a written statement of what the witness saw or heard. You must file and serve witness statements at the same time as you file DV-100 and DV-110.
- Most courtrooms do not allow children. Ask if there is a children's waiting room in the courthouse.

**Don't miss your hearing!**

If you miss it, you will have to start from the beginning.

**Get there 30 minutes early.**

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If you are afraid of the restrained person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes, or up to an hour.

**What if I don't speak English?**

When you file your papers, tell the clerk you will need an interpreter. If the court interpreter is not available, bring someone to interpret for you. Do not ask a child to interpret for you.

**What if I am deaf?**

If you are deaf, contact the clerk at least 1 week before the hearing. Ask for an interpreter or other accommodation.

**Practice what you want to say.**

Make a list of the orders you want and practice saying them. Don't take more than 3 minutes to say what you want.

If you get nervous at the hearing, just read from your list. Use that list to see if the judge has made every order you asked for.

**The judge may ask questions.**

- Tell the truth. Speak slowly. You can read from your list.
- The restrained person or his or her lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say "I don't understand."
- If the restrained person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge unless it is your turn to ask questions.
- When other people are talking, wait for them to finish. Then you can ask them questions about what they said.

**The judge will decide.**

- At the end of the hearing, the judge will say what the orders are.
- Make sure your Form DV-130 says what the judge has ordered. Sometimes the clerk fills out the form for you. If not, fill it out yourself. If you filled it out before the hearing, you may have to make changes.
- Review it and make sure you understand. If anything is wrong or missing, tell the clerk right away.
- If the judge makes the orders, the judge will sign your DV-130. Take it to the clerk to file it. The clerk will give you 5 copies.

**The judge may “continue” your case.**

This means you have to come back another day. The judge can do this if:

- Your hearing is taking longer than planned
- The judge wants more information
- The restrained person needs time to get a lawyer or prepare an answer
- Ask the clerk for the forms you need

**What about child custody or visitation?**

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, ask the judge to make your restraining, custody, and visitation orders last until the next hearing.
- Either parent can ask to meet with the mediator separately. You can bring a support person with you to mediation.

**What happens after the hearing?**

- Ask the clerk if the court will fill out DV-130 for you. If not, fill it out.
- If the judge makes the orders, go to the clerk and file DV-130.
- Take a copy of DV-130 to your local police if the clerk does not send it for you.
- If the restrained person was at the hearing, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you after the service.
- If the restrained person was not at the hearing, but the judge’s orders are the *same* as the temporary order, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you.
- If the restrained person was not at the hearing, and the judge’s orders are *different* from the temporary order, you must have someone serve DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it back to you.

**Remember, you cannot serve the orders yourself.**

Take your Proof of Service (DV-200 or DV-250) to the clerk and file it. Keep a copy.



**1 Make sure it's what you really want.**

- All of the restraining orders will end.
- If you have another court case for child custody, visitation, or child support orders, those orders will not be decided or changed by this request.
- If you want protection in the future, you will have to file all of the papers again and have a court hearing
- If you're not sure you want to end the order, you can change it instead (see form DV-320 for more information).

**2 If you're sure you want to end the order,**

- Fill out form DV-300 (Request to Change or End Restraining Order).
- Fill out form DV-310 (Notice of Hearing to Change or End Restraining Order).
- Make two copies of each of the forms.
- Attach a copy of your Restraining Order After Hearing (form DV-130) to one copy of the forms. This is the order you want to end.

**3 Take your forms to the court clerk.**

- You must go to the hearing. The clerk will give your forms to the judge for a signature. Sometimes the judge may want to talk to you. If so, the clerk will tell you.

**4 The judge will set a hearing date.**

- You must go to the hearing.

**DV-310 Notice of Hearing to Change or End Restraining Order**

Clerk stamps below when form is filed

**1** Person asking to change or end order:

Address (Skip this if you have a lawyer) (If you want your address to be private, give a mailing address instead): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # (optional): (\_\_\_\_\_) \_\_\_\_\_

Lawyer (if any) (Name, address, phone #, and State Bar #): \_\_\_\_\_

**2** Other person's name: \_\_\_\_\_

**3** Court Hearing

The judge has set a court hearing date. Unless changed by the court, the current restraining orders stay in effect until the hearing date.

Court will fill in box below:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ The court hearing will be at: \_\_\_\_\_

Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

To the person served with this order: At the hearing, the judge can change or end the restraining orders. File a written answer on form DV-300 if you disagree. Go to the hearing.

**4** Service and Answer

☐ To person asking for order

Someone 18 or over—not you or anyone else protected or restrained by the order—must personally "serve" a copy of this order and your request (form DV-300) to the other person at least \_\_\_\_\_ days before the hearing.

For help with service or answering, read form DV-210. For help with answering, read form DV-540.

☐ To person served with order

Have someone 18 or over—not you or anyone else protected by the restraining order—"serve" a copy of your answer on the other person by mail, and file it with the court at least \_\_\_\_\_ days before the hearing.

**5** Other orders: \_\_\_\_\_

**6** Date: \_\_\_\_\_

Judge (or Judicial Officer)

**This is a Court Order.**

Judicial Council of California  
Family Code §§ 6315, 6316, 6318 (i)  
www.courtinfo.ca.gov  
New January 1, 2004

**Notice of Hearing to Change or End Restraining Order** DV-310, Page 1 of 1

**5 At the hearing, the judge will decide whether or not to end the orders****6 Personally Serve the Restrained Person with a copy of:**

- DV-300 (Request to Change or End Restraining Order)
- DV-360 (Notice of Hearing to Change or End Restraining Order)
- DV-130 (Restraining Order After Hearing).

For information on "Service" read DV-210. Someone over 18—not you or anyone protected or restrained by the restraining order—can serve the order.

**7 Go to the court hearing.****8 If the Judge ends the orders at the hearing:**

- Fill out form DV-370 (Order to End Restraining Order) and make two copies.
- File the original with the court clerk and ask the clerk to stamp the copies.
- Personally serve the restrained person with a copy of form DV-370 by mail. Someone over 18—not you or anyone protected or restrained by the restraining order—can serve the order.

**9 File the Proof of Service.**

- Make 5 copies of the completed Proof of Service (form DV-200). Mail or take the original and the copies to the court clerk. The clerk will file the original and give you back the copies stamped "Filed."
- Keep one copy with you and another in a safe place in case you need to show it to the police.
- Some courts send the Proof of Service to law enforcement for you. That way, police across the state and the nation will know that the order has ended. Ask the clerk if they will do this. If not, take a copy of the order and Proof of Service to your local police.

**10 If you need protection in the future, you can always come back to court.**



Clerk stamps below when form is filed.

**1** Protected person's name: \_\_\_\_\_**2** Your name: \_\_\_\_\_Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):  
\_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your phone # (*optional*): (\_\_\_\_\_) \_\_\_\_\_Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court name and street address:

**Superior Court of California, County of****Case Number:****3** I am the (check one) ☐ protected person ☐ restrained person

Give the judge your answers to DV-300:

**4 End Restraining Orders**

Did the other person ask to end the restraining orders?

☐ Yes ☐ No

If "no", skip to number 6 and finish the form.

If "yes" do you agree to end all of the restraining orders?

☐ Yes ☐ No*(If you agree to end some of the orders, but not all, check "no." Then, go to number 6 and finish the form)***5 Personal Conduct Orders**I ☐ do ☐ do not agree to the order requested.**6 Stay-Away Order**I ☐ do ☐ do not agree to the order requested.**7 Move-Out Order**I ☐ do ☐ do not agree to the order requested.**8 Record Unlawful Communications**I ☐ do ☐ do not agree to the order requested.

The judge can consider your Answer at the hearing. Write your hearing date and time here:

**Hearing  
Date** →

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

If you do not come to this hearing, the judge can make the changes without hearing from you.

Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**9** ☐ **Attorney Fees and Costs**

I ☐ do ☐ do not agree to the order requested.

**10** ☐ **Other Orders** (*see Item 12 on Form DV-300*)

I ☐ do ☐ do not agree to the order requested.

**11** ☐ **I ask the court to order payment of my attorney fees and costs**

*You must fill out, serve, and file Form FL-150.*

**12** ☐ **My answer to the statements in DV-300**

*Please attach your statement. Be specific.*

**13** I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

Clerk stamps below when form is filed.

**1** Person who asked to end restraining order:

Address (Skip this if you have a lawyer) (If you want your address to be private, give a mailing address instead):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # (optional): (\_\_\_\_\_) \_\_\_\_\_

Protected person's lawyer (if any): (Name, address, phone #, and State Bar #):

Court name and street address:

**Superior Court of California, County of**

**2** Other person's name: \_\_\_\_\_**3** Restrained person's name:

Description of that person: Sex: ☐ M ☐ F Ht.: \_\_\_\_\_

Wt.: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Case Number:**

**4 Court Hearing Information**

*Court will fill in box below.*

There was a hearing on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ Dept.: \_\_\_\_\_ Rm: \_\_\_\_\_  
 Judge \_\_\_\_\_ made the orders at the hearing.

**5 Court Order**

The Restraining Order After Hearing (form DV-130) is dissolved and ended.

- The order was issued on (date): \_\_\_\_\_
- The order is not longer in effect.
- This order does not change or end any other restraining orders

**6** Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

Clerk's Certificate  
 [seal]

I certify that this Order to End Restraining Order is a true and correct copy of the original on file in the court.

Date:

Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

- 1 What can I change?**
  - Personal conduct, stay away, move-out and the end date.
- 2 Who can ask for a change?**
  - Either the protected person or the restrained person can ask for a change.
- 3 What forms do I fill out?**
  - DV-300 Request to Change or End Restraining Order
  - DV-310 Notice of Hearing to Change or End Restraining Order
- 4 What next?**
  - Make two copies of the forms.
  - Attach a copy of the current Restraining Order After Hearing (DV-130) to one copy of the forms. Make sure to include the attachments, if any.
- 5 Take your forms to the court clerk.**
  - The clerk will give your forms to the judge for a signature. Sometimes the judge may want to talk to you. If so, the clerk will tell you.
- 6 The judge will set a hearing date.**
  - You must go to the hearing.
- 7 At the hearing, the judge will decide whether to change the orders.**
- 8 Personally serve the other person with a copy of:**
  - DV-300 Request to Change or End Restraining Order
  - DV-310 Notice of Hearing to Change or End Restraining Order
  - Current DV-130 Restraining Order After Hearing

For information on “service,” read form DV-210. Someone over 18—not you or anyone protected or restrained by the restraining order—can serve the order.
- 9 Go to the court hearing.**
- 10 If the judge changes the orders at the hearing:**
  - Fill out form DV-130 (Restraining Order After Hearing) and any attachments.
  - Give the form to the clerk for the judge’s signature.
  - After the judge signs the form, file it with the court clerk. The clerk will keep the original and give you 5 stamped copies.
  - Have the other person served with a copy of form DV-130. Someone over 18—not you or anyone protected by the restraining order—can serve the order.
- 11 Mail or take the original Proof of Service (form DV-200) to the court clerk.** The clerk will file it. Keep a copy.

<b>DV-310</b>	<b>Notice of Hearing to Change or End Restraining Order</b>	Click stamps below when form is filed
<b>1</b>	<b>Person asking to change or end order:</b>  Address ( <i>Skip this if you have a lawyer! If you want your address to be private, give a mailing address instead.</i> ) _____ City: _____ State: _____ Zip: _____ Phone # (optional): (____) _____ Lawyer (if any) (Name, address, phone #, and State Bar #): _____ _____ _____	<div style="border: 1px solid black; height: 150px; width: 100%;"></div> <small>Court name and street address:  <b>Superior Court of California, County of _____</b></small>
<b>2</b>	<b>Other person's name:</b> _____ _____	
<b>3</b>	<b>Court Hearing</b>  The judge has set a court hearing date. Unless changed by the court, the current restraining orders stay in effect until the hearing date. <i>Court will fill in box below.</i>  <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; padding: 5px; text-align: center;">  Hearing Date             </div> <div style="flex-grow: 1;">               Date: _____ Time: _____                Dept.: _____ Rm.: _____             </div> <div style="text-align: right; padding-right: 20px;">               The court hearing will be at: _____                _____                _____             </div> </div> <p>To the person served with this order: At the hearing, the judge can change or end the restraining orders. File a written answer on form DV-950 if you disagree. Go to the hearing.</p>	
<b>4</b>	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>Service and Answer</b>   <div style="background-color: black; color: white; padding: 5px; margin-bottom: 5px;"><b>1 To person asking for order</b></div>           Someone 18 or over—not you or anyone else protected or restrained by the order—must personally “serve” a copy of this order and your request (form DV-300) to the other person at least _____ days before the hearing.   <i>Please help with service or answering, read form DV-210. For help with answering, read form DV-540.</i> </div> <div style="width: 45%;"> <b>2 To person served with order</b>             Have someone 18 or over—not you or anyone else protected by the restraining order—“serve” a copy of your answer on the other person by mail, and file it with the court at least _____ days before the hearing.         </div> </div>	
<b>5</b>	<b>Other orders:</b> _____ _____	
<b>6</b>	<b>Date:</b> _____  <div style="text-align: center;">         Judge (or Judicial Officer)     </div>	
<div style="background-color: black; color: white; padding: 5px; display: inline-block; margin-bottom: 5px;"><b>This is a Court Order.</b></div> <div style="display: flex; justify-content: space-between; width: 100%;"> <span><small>Judicial Council of California Family Code §§ 4343, 4350 (d) Revised January 2004</small></span> <span><b>Notice of Hearing to Change or End Restraining Order</b></span> <span><small>DV-310, Page 1 of 1</small></span> </div>		

- 12** Get the new order into California's statewide Registry of Restraining Orders.
- Ask the court clerk if they will do this for you.
  - If not, take a copy of the new form DV-130 to your local law enforcement agency. Ask them to enter the order into California's statewide registry. That way, police all over California and the nation will know about the order.

## 1 Person asking to change or end order:

Address *(Skip this if you have a lawyer) (If you want your address to be private, give a mailing address instead):*

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # *(optional)*: (\_\_\_\_\_) \_\_\_\_\_

Lawyer *(if any)* *(Name, address, phone #, and State Bar #):*

## 2 Other person's name:

## 3 Court Hearing

The judge has set a court hearing date. Unless changed by the court, the current restraining orders stay in effect until the hearing date.

*Court will fill in box below.*

Hearing  
Date

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

The court hearing will be at:

Court name and street address:

Superior Court of California, County of

Case Number:

**To the person served with this order:** At the hearing, the judge can change or end the restraining orders. File a written answer on form DV-350 if you disagree. Go to the hearing.

## 4 Service and Answer

## A To person asking for order

Someone 18 or over—not you or anyone else protected or restrained by the order—must personally “serve” a copy of this order and your request (form DV-300) to the other person at least \_\_\_\_\_ days before the hearing.

*For help with service or answering, read form DV-210. For help with answering, read form DV-540.*

## B To person served with order

Have someone 18 or over—not you or anyone else protected by the restraining order—“serve” a copy of your answer on the other person by mail, and file it with the court at least \_\_\_\_\_ days before the hearing.

5 Other orders: \_\_\_\_\_

6 Date: \_\_\_\_\_



Judge (or Judicial Officer)

**This is a Court Order.**

**1** Person asking to change or end order:

Your address *(Skip this if you have a lawyer) (If you want your address to be private, give a mailing address instead):*

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # *(optional)*: (\_\_\_\_\_) \_\_\_\_\_

Lawyer *(if any)* (Name, address, phone #, and State Bar #):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court name and street address:

**Superior Court of California, County of**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2** Other person's name:

\_\_\_\_\_  
\_\_\_\_\_

**3** I am the (check one): ☐ protected person ☐ restrained person

**Case Number:**

\_\_\_\_\_  
\_\_\_\_\_

**4** ☐ I ask the court to **end** the Restraining Order After Hearing (form DV-130). *(If you check this box to end the order, fill in the date below and read the other items, then skip to **14** and finish the form. If you do not want to end the order, skip to **5** and finish the form.)*

☐ The order was made on *(date)*: \_\_\_\_\_

☐ A copy of the order is attached.

☐ I understand that all of the restraining orders will end.

☐ I understand that if I need a restraining order in the future, I must file a new request.

☐ I understand that this request will not change any criminal protective order or other court order.

**5** ☐ I ask the court to **change** the Restraining Order After Hearing (form DV-130).

☐ The order was made on *(date)*: \_\_\_\_\_

☐ A copy of the order is attached.

☐ I ask the court to change the orders in the checked boxes that follow.

**What orders do you want to change? Check the boxes and fill in the spaces if you want changes.**

**6** ☐ Protected People

I want to remove or add these people from the order *(list names and ages)*:

\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**

Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**What orders do you want to change? Check the boxes and fill in the spaces if you want changes.**

7

☐ **Personal Conduct Orders**

I want these changes (*describe*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

8

☐ **Stay-Away Order**

I want these changes (*describe*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

9

☐ **Move-Out Order**

I want these changes (*describe*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10

☐ **Record Unlawful Communications**

I want these changes (*describe*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

11

☐ **Attorney Fees and Costs**

I ask that the person in ② pay some or all of my attorney fees and costs.

*You must complete and file form FL-150, Income and Expense Declaration.*

12

☐ **Other Orders**

I want these changes (*describe*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

13

☐ **Time to Notify Other Person**

■ I need more time to notify the other person about these papers. I want the papers served anytime up to \_\_\_\_\_ days before the date of the hearing. *For information on "service," read form DV-210.*

■ I need more time because (*describe why it may be hard for you to find the other person, or give another reason*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**

Your name: \_\_\_\_\_

**14** Describe why you want to change or end the current order.

☐ Check here if your description is on an attached form or paper.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**15 Note:** You cannot use this form to change child custody, child visitation, or child support orders.

**16** I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

Type or print your name



*Sign your name*

**This is not a Court Order.**



## State of California—California Law Enforcement Telecommunications System (CLETS) Information Form

This form must *not* become part of the court file. It is confidential and private. It can be used only to enter a restraining order into CLETS or by law enforcement for service of a restraining order. It can be retained only by a law enforcement agency or a court.

### To the Protected Person:

Complete this form. Ask the court clerk if the court will have your order entered into California's restraining order computer system. If the clerk says yes, give this form to the clerk. If the clerk says no, give both this form and your restraining order to your local law enforcement agency. That way, law enforcement officers all over the nation can enforce your order.

What is the case number for your restraining order? \_\_\_\_\_

### 1 Restrained Person (name): \_\_\_\_\_

Description of that person.

Sex: ☐ M ☐ F      Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Eye Color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
 (Residence Address)                      (City, State, Zip)                      (Telephone #)

\_\_\_\_\_  
 (Workplace)                      (Occupation/Title)                      (Working Hours)

\_\_\_\_\_  
 (Business Address)                      (City, State, Zip)                      (Telephone #)

Driver's License #: \_\_\_\_\_ Vehicle License # \_\_\_\_\_

Make/Model \_\_\_\_\_

Social Security #: \_\_\_\_\_

Describe any Marks, Scars, and Tattoos: \_\_\_\_\_

Other names used by the restrained person: \_\_\_\_\_

### 2 Protected Person (name): \_\_\_\_\_

Sex: ☐ M ☐ F      Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Eye Color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
 (Residence Address)                      (City, State, Zip)                      (Telephone #)

Vehicle (*type, model, year*): \_\_\_\_\_

Vehicle license #: \_\_\_\_\_

### 3 Other Protected People

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Clerk stamps below when form is filed.

1 Protected person's name: \_\_\_\_\_

Protected person's address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your phone # (*optional*): (\_\_\_\_\_) \_\_\_\_\_Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court name and street address:

Superior Court of California, County of \_\_\_\_\_

2 Restrained person's name: \_\_\_\_\_

Description of that person: Sex: ☐ M ☐ F Ht.: \_\_\_\_\_

Wt.: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Case Number: \_\_\_\_\_

3 List the full names of all other family or household members protected by this order: \_\_\_\_\_  
\_\_\_\_\_

## 4 Court Order

**To the person named in ②: This is a court order.**

Court will fill out section below.

There was a hearing on (*date*): \_\_\_\_\_ at (*time*): ☐ a.m. ☐ p.m. Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

Judge \_\_\_\_\_ made the orders at the hearing.

The orders end at (*time*): ☐ midnight or \_\_\_\_\_ ☐ a.m. ☐ p.m. on (*date*): \_\_\_\_\_End  
Date■ *If no date is written, the restraining orders end 3 years after the date of the hearing.*■ *If no time is written, they end at midnight on the end date.*■ *Note: Custody, visitation, or support orders have different end dates and usually end when the children turn 18.*Does this order modify (change) a prior restraining order (on form DV-130)? ☐ Yes ☐ No

If "Yes," date prior order was made: \_\_\_\_\_

All orders are on pages 2 and 3 and attachment pages (*if any*).**This is a Court Order.**

Protected person's name: \_\_\_\_\_

**5** ☐ **Personal Conduct Orders**The person in **2** must *not* do the following things to the protected people listed in **1** and **3**:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
  - ☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise

Peaceful written contact through a lawyer, a process server or another person to serve legal papers is allowed and does not violate this order.

**6** ☐ **Stay-Away Order**The person in **2** must stay at least \_\_\_\_\_ yards away from:

- a. ☐ The person listed in **1**
- b. ☐ The people listed in **3**
- c. ☐ Home ☐ Job ☐ Car of person in **1**
- d. ☐ The children's school or child care
- e. ☐ Other (*specify*): \_\_\_\_\_

**7** ☐ **Move-Out Order**The person in **2** must move out immediately from (*address*): \_\_\_\_\_**8** ☐ **Child Custody and Visitation** are ordered on the attached Form DV-140 or (*specify other form*): \_\_\_\_\_**9** ☐ **Child Support** is ordered on the attached Form DV-160 or (*specify other form*): \_\_\_\_\_**10** ☒ **No Guns or Other Firearms**The person in **2** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.**11** ☒ **Turn In or Sell Guns or Firearms**The person in **2**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 48 hours of receiving this order. But if the person in **2** was at a hearing for this order, it must be done within 24 hours of the hearing.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns or firearms have been turned in or sold.

**12** ☐ **Record Unlawful Communications**The person in **1** has the right to record communications made by the person in **2** that violate the judge's orders.**This is a Court Order.**

Protected person's name: \_\_\_\_\_

**13** ☐ **Batterer Intervention Program**

The person in **2** must go to and pay for a 52-week batterer intervention program, and show proof of completion to the court. This program must be approved by the Probation Department.

**14** ☐ **No Fee to Notify Restrained Person**

If the sheriff or marshal or other law enforcement serves this order, they will do it for free.

**15** ☐ **Other Orders** relating to property control, debt payment, attorney fees, restitution, and/or other orders are in attached Form DV-170 or (*specify other form*): \_\_\_\_\_**16** ☐ **Service**

a. ☐ The people in **1** and **2** were at the hearing. No other proof of service is needed.

b. ☐ The person in **1** was at the hearing. The person in **2** was not. But Proof of Service of DV-110 was presented to the court.

(1) ☐ The judge's orders in this form are the same as DV-110 except for the end date. This order can be served by mail.

(2) ☐ The judge's orders in this form are different from DV-110. Someone — not the people in **1** or **3** — must personally "serve" a copy of this order to the person in **2**.

c. ☐ The people in **1** and **2** have agreed in writing to this order. No other proof of service is needed.

**17** ☐ The people in **1** and **2** must return to this court/department on (*date*): \_\_\_\_/\_\_\_\_/\_\_\_\_ at (*time*): \_\_\_\_\_ ☐ a.m. ☐ p.m. to review (*specify issues*): \_\_\_\_\_**18** **Attached Pages Are Orders**

■ Number of pages attached: \_\_\_\_\_

■ All of the attached pages are part of this order.

■ Attachments include (*check all that apply*):

☐ DV-140    ☐ DV-145    ☐ DV-150    ☐ DV-160    ☐ DV-170    ☐ Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)***Certificate of Compliance With VAWA**

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**This is a Court Order.**



Protected person's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

## Instructions for Law Enforcement

### 19 Start Date and End Date of Orders

The orders *start* the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date on page 1. If no end date is listed, they end 3 years from the start date.

### 20 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

### 21 Notice/Proof of Service

- Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the Proof of Service, or confirms that the Proof of Service is on file *or*
- The restrained person was at the restraining order hearing, or was informed of the order by an officer (Fam. Code, § 6383, Pen. Code, § 836(c)(2))

### 22 The Protected Person Cannot Be Arrested for Contacting the Restrained Person

Even if the protected person invites or consents to contact from the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact by the restrained person. The orders can only be changed by another court order. (Pen. Code, § 13710(b).)

### 23 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, Items ③ and ④. They are sometimes also written on additional pages, or referenced in DV-140 or other orders that are not part of the restraining order.
- Forms DV-100 and DV-105 are not orders. Do not enforce them.

### 24 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File, must enforce the orders.

### 25 Conflicting Orders

If a criminal restraining order (CR-160) conflicts with a civil restraining order (DV-110 or DV-130), enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the civil order. (Pen. Code, § 136.2(h).) Any nonconflicting terms of the civil restraining order remain in full force.

**This is a Court Order.**



Protected person's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

## Warnings and Notices to the Restrained Person in ②

- 26** If you do not obey this order, you can be arrested and charged with a crime.
- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
  - If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime under the Violence Against Women Act.
  - If you do not obey this order, you can go to prison and/or pay a fine.

**27** You Cannot Have Guns or Firearms



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Clerk's Certificate  
[seal]

I certify that this Restraining Order After Hearing is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

## 1 Protected person's name:

Protected person's address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # (optional): (\_\_\_\_\_) \_\_\_\_\_

Protected person's lawyer (*if any*): (*Name, address, phone #, and State Bar #*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court name and street address:

**Superior Court of California, County of**

**Case Number:**

## 2 Restrained person's name:

Description of that person: Sex: ☐ M ☐ F Ht.: \_\_\_\_\_

Wt.: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

## 3 List the full names of all family or household members protected by this order: \_\_\_\_\_

4 Court Hearing Date (*Fecha de la Audiencia*)

Court will fill in box below.

Hearing  
Date

The court hearing will be at: \_\_\_\_\_

Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

To the person in ②: At the hearing, the judge can make restraining orders that last for up to 3 years. The judge can also make other orders about money, children, child support, and property. At the hearing, you can tell the judge if you do not want the orders against you. Even if you do not attend the hearing, you **must** obey the orders.

*Para la persona nombrada en ②: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 3 años. El juez puede también hacer otras órdenes acerca de dinero, niños y propiedad. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, **tiene** que obedecer estas órdenes.*

5 Temporary Orders (*Ordenes Temporales*)

Any orders made in this form end on the date and time of the court hearing in ④, unless a judge extends them. Read this form carefully. All checked boxes ☒ are court orders.

*Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en ④, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ son órdenes de la corte.*

**This is a Court Order.**

Protected person's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**Checked boxes ☒ are court orders.**

**6 ☐ Personal Conduct Orders**

The person in ② must *not* do the following things to the protected people listed in ① and ③:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
  - ☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise

Peaceful written contact through a lawyer, a process server or another person to serve legal papers is allowed and does not violate this order.

**7 ☐ Stay-Away Order**

The person in ② must stay at least \_\_\_\_\_ yards away from:

- a. ☐ The person listed in ①
- b. ☐ The people listed in ③
- c. ☐ Home ☐ Job ☐ Car of person in ①
- d. ☐ The children's school or child care
- e. ☐ Other (*specify*): \_\_\_\_\_

**8 ☐ Move-Out Order**

The person in ② must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): \_\_\_\_\_

**9 ☐ Child Custody and Visitation Order**

- a. ☐ You and the other parent must make an appointment for court mediation (*address and phone #*): \_\_\_\_\_
- b. ☐ Follow the orders listed in Form DV-140, which is attached.

**10 ☒ No Guns or Other Firearms**

The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

**11 ☐ Turn In or Sell Guns or Firearms**

The person in ②:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 48 hours of receiving this order. But if the person in ② was at a hearing for this order, it must be done within 24 hours of the hearing.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns have been turned in or sold.

**12 ☐ Property Control**

Until the hearing, *only* the person in ① can use, control, and possess the following property and things:

\_\_\_\_\_

**This is a Court Order.**





Protected person's name: \_\_\_\_\_

**Checked boxes ☒ are court orders.****13 ☐ Property Restraint**

If the people in ① and ② are married to each other, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court.

**14 ☐ Record Unlawful Communications**

The person in ① can record communications made by the person in ② that violate the judge's orders.

**15 No Fee to Notify Restrained Person**

If the sheriff or marshal or other law enforcement serves this order, they will do it for free.

**16 ☐ Other Orders (specify):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**17** If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. (*Write restrained person's address here*):  
\_\_\_\_\_  
\_\_\_\_\_

If this address is not correct, or to know if the orders were made permanent, contact the court.

**18 ☐ Time for Service****A To: Person Asking for Order**

Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least \_\_\_\_\_ days before the hearing.

**B To: Person Served With Order**

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form DV-120 on the person in ①, then file it with the court at least \_\_\_\_\_ days before the hearing.

*For help with Service or Answering, read Form DV-210 or DV-540.*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)***Certificate of Compliance With VAWA**

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**This is a Court Order.**

**Warnings and Notices to the Restrained Person in ②****19 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child in violation of this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

**20 You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. If the orders are approved at the hearing listed on page 1, the court will order you to sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. If the orders are approved at the hearing, federal law says you cannot have guns or ammunition.

**21 After You Have Been Served With a Restraining Order**

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in Item ②②.
- File DV-120 and have all papers served on the protected person by the date listed in Item ①⑧ of this form.
- At the hearing, tell the judge if you agree to or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 3 years.

**22 Child Custody, Visitation, and Support**

- Child Custody and Visitation: If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- Child Support: The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a Financial Statement (FL-155) or an Income and Expense Declaration (FL-150) so the judge will have information about your finances. Otherwise, the court will make support orders without hearing your side.

**This is a Court Order.**

Protected person's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

## Instructions for Law Enforcement

### 23 Start Date and End Date of Orders

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

### 24 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

### 25 Notice/Proof of Service

■ Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the Proof of Service, or confirms that the Proof of Service is on file *or*
- The restrained person was at the restraining order hearing, or was informed of the order by an officer (Fam. Code, § 6383, Pen. Code, § 836(c)(2))

### 26 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

### 27 Child Custody and Visitation

- Custody and visitation orders are on Form DV-140, Items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

### 28 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, or on the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

### 29 Conflicting Orders

If a criminal restraining order (CR-160) conflicts with a civil restraining order (DV-110 or DV-130), enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the civil order. (Pen. Code, § 136.2(h).) Any nonconflicting terms of the civil restraining order remain in full force.

Clerk's Certificate  
[seal]

I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court. Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

### What does “renew” mean?

It means that your Restraining Order After Hearing (form DV-130) will last longer than the current end date.

### When do I ask for the renewal?

Before your current form DV-130 ends.

### How long will the new order last?

There is no limit on the number of years it can last.

### How much does it cost?

Nothing

### Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

## Follow these steps to renew the order:

- 1 **Fill out:**
  - DV-700 Request to Renew Restraining Order
  - DV-710 Notice of Hearing to Renew Restraining Order
- 2 **Make two copies of those forms.**
- 3 **Attach a copy of your current Restraining Order After Hearing (DV-130) to form DV-700.**
- 4 **Take your forms to the court clerk.**
  - The clerk will give your forms to the judge for a signature. Sometimes the judge may want to talk to you. If so, the clerk will tell you.
- 5 **The judge will set a hearing date.**
  - You must go to the hearing.
- 6 **At the hearing, the judge will decide whether or not to end the orders.**
- 7 **Personally serve the restrained person with a copy of:**
  - DV-700 (Request to Renew Restraining Order)
  - DV-710 (Notice of Hearing to Renew Restraining Order)
  - Current DV-130 (Restraining Order After Hearing)

For information on “service,” read form DV-210. Someone over 18—not you or anyone protected by the restraining order—can serve the order.
- 8 **File your Proof of Service.**
  - The Proof of Service shows the judge that the restrained person knows about the hearing date.
  - Make a copy of the original Proof of Service form.
  - Take the original and the copy to the court clerk before your hearing. The clerk will keep the original and give you back the copy stamped “Filed.”
  - Bring a copy to your hearing.
- 9 **Go to the court hearing.**

**DV-710 Notice of Hearing to Renew Restraining Order**

Clerk stamps below when form is filed.

1 Protected person's name:  
Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Your phone # (optional): (\_\_\_\_\_) \_\_\_\_\_  
Your lawyer (if you have one): (Name, address, phone #, and State Bar #): \_\_\_\_\_

2 Restrained person's name:  
Describe that person: Sex: ☐ M ☐ F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_  
Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3 Court Hearing  
The judge has set a court hearing date.  
Court will fill in box below:  
The current restraining orders stay in effect until the hearing date.  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name and address of court if different from above:  
Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

4 Service and Answer  
To: Person Asking for Order  
Someone 18 or over — not you or anyone else protected by the restraining order — must personally “serve” a copy of this order and a copy of the original Restraining Order After Hearing to the person in ④ at least \_\_\_\_\_ days before the hearing.  
For help with Service or Answering, read Form DV-210 or DV-540.  
Date: \_\_\_\_\_  
To: Person Served With Order  
Have someone 18 or over — not you — “serve” a copy of your answer on the person in ④ by mail and file it with the court at least \_\_\_\_\_ days before the hearing.  
Judge (or Judicial Officer)

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov  
Rev. July 3, 2003, Mandatory Form  
Family Code, § 6242 et seq. Notice of Hearing to Renew Restraining Order (CLETS) (Domestic Violence Prevention) DV-710, Page 1 of 1

Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**10 If the judge renews the orders at the hearing:**

- Fill out a new form DV-130 (Restraining Order After Hearing), and give it to the clerk. The judge will sign it.
- The clerk will file the original and give you 5 stamped copies
- Personally serve the restrained person with a copy of form DV-130. Someone over 18—not you or anyone protected by the restraining order—can serve the order.

**11 File your Proof of Service.**

- Make 5 copies of the completed Proof of Service (form DV-200).
- Mail or take the original and the copies to the court clerk. The clerk will file the original and give you back the copies stamped “Filed.”
- Keep one copy with you and another in a safe place in case you need to show it to the police.
- Some courts send the Proof of Service to law enforcement for you. Ask the clerk if they will do this. If not, take a copy of the order and Proof of Service to your local police. That way, police across the state and the nation know that the restrained person knows about the orders.

**This is not a Court Order.**